

Introduced by Senator Harman

February 27, 2009

An act to amend Section 10.2 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 613, as introduced, Harman. County water authority: annexation: federal military reservation.

The County Water Authority Act authorizes county 2 or more public agencies in any county to organize and incorporate a county water authority. The act requires all powers, privileges, and duties vested in or imposed upon a county water authority to be exercised and performed by a board of directors. The act provides for among other things, the annexation of territory within a federal military reservation to a county water authority. The act provides procedures for annexation of a military reservation and requires, on and after the effective date of the annexation, the military reservation to be a separate unit member of the county water authority entitled to one representative on the board of directors.

This bill would make technical, nonsubstantive changes in the provisions relating to annexation of a federal military reservation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10.2 of the County Water Authority Act
- 2 (Chapter 545 of the Statutes of 1943), as amended by Section 38
- 3 of Chapter 506 of the Statutes of 2000, is amended to read:

1 Sec. 10.2. (a) Notwithstanding any other provisions of this
2 act, territory within a federal military reservation may be annexed
3 to any county water authority organized ~~hereunder~~ *under this act*
4 as a single member of an authority in the manner provided in this
5 section. As used in this section, “federal military reservation” or
6 “military reservation” means a single federal military reservation
7 or separate but contiguous federal military reservations which are
8 jointly annexed to a county water authority as a single member
9 agency of an authority.

10 (b) Proceedings for the annexation of *territory within* a military
11 reservation shall be initiated by the adoption by the board of
12 directors of an authority of a resolution proposing annexation of
13 *territory within* a military reservation to an authority as a member
14 of an authority.

15 (c) The resolution proposing the annexation may provide that
16 the annexation shall include one or more separate areas, which
17 may be separately identified for assessing and tax collecting
18 purposes, and that each ~~such area~~ *of those areas* may be subject
19 to one or more of the following terms and conditions:

20 (1) The fixing and establishment of priorities for the use of, or
21 right to use, water, or capacity rights in any public improvement
22 or facilities, and the determination of, or limitation on, the quantity
23 of, the purposes for which, and the places where, water may be
24 delivered by the authority to the military reservation for military
25 purposes and uses incidental thereto, as well as for nonmilitary
26 purposes.

27 (2) The levying by the authority of special taxes upon any
28 private leasehold, possessory interest, or other taxable property
29 within the territory annexed, and the imposition and collection of
30 special fees or charges prior to the annexation.

31 (3) ~~Should~~ *If* portions of any area annexed ~~hereunder~~ *be under*
32 *this section* are subsequently made available for nonmilitary
33 purposes not in existence at the time of the annexation of the area,
34 the board of directors of the authority may impose new terms and
35 conditions for any subsequent service of water, directly or
36 indirectly, by the authority to that area, including the separation
37 ~~of such an~~ *the* area for assessing and tax collecting purposes and
38 the levying by the authority of special taxes on those portions.

39 (4) The effective date of the annexation.

1 (5) Any other matters necessary or incidental to any of the
2 ~~foregoing~~ *terms and conditions in paragraphs (1) to (4), inclusive.*

3 (d) A certified copy of the resolution proposing annexation shall
4 be sent to the official in authority over the military reservation. If
5 the military reservation consents in writing to the annexation and
6 to the terms and conditions established by the board of directors,
7 the board may, by resolution, order the annexation to the authority
8 of the territory situated within the military reservation, subject to
9 ~~said~~ *those* terms and conditions.

10 (e) A certificate of proceedings taken ~~hereunder~~ *under this*
11 *section* shall be made by the secretary of the authority and filed
12 with the county clerk of the county in which the county water
13 authority is situated. Upon the filing in his or her office of the
14 certificate of proceedings, the county clerk of the county in which
15 the county water authority is situated shall, within 10 days, issue
16 a certificate reciting the filing of those papers in his or her office
17 and the annexation of the territory to the authority. The county
18 clerk of the county in which the county water authority is situated
19 shall transmit the original of said certificate to the secretary of the
20 authority.

21 (f) Upon the filing of the certificate of proceedings with the
22 county clerk of the county in which the county water authority is
23 situated, or upon the effective date of the annexation provided for
24 in the terms and conditions, whichever is later, the territory within
25 the military reservation shall become and be an integral part of the
26 authority, ~~and the~~. *The taxable property therein within that territory*
27 *shall be subject to taxation thereafter for the purposes of* ~~said the~~
28 *authority, including the payment of bonds and other obligations*
29 *of the authority at the time authorized or outstanding,* ~~and the~~. *The*
30 *board of directors of the authority shall be empowered to do all*
31 *things necessary to enforce and make effective the terms and*
32 *conditions of annexation fixed as* ~~hereinabove~~ *authorized pursuant*
33 *to this section.*

34 (g) On and after the effective date of the annexation, the military
35 reservation shall be a separate unit member of the authority and
36 shall be entitled to one representative on the board of directors of
37 the authority. For the purposes of this act, a military reservation
38 shall be deemed a public agency. The representative shall be
39 designated and appointed by the official in authority over the
40 military reservation, shall hold office for a term of six years or

1 until his or her successor is appointed and qualified, and may be
2 recalled by ~~that~~ *the official with authority over the military*
3 *reservation.*

4 (h) The transfer of ownership of the fee title of a military
5 reservation, or of any portion thereof, to nonmilitary ownership
6 after annexation to the authority pursuant to this section shall result
7 in the automatic exclusion from the authority of the territory
8 transferred to that ownership.

9 (i) If a county water authority is a member public agency of a
10 metropolitan water district organized under the Metropolitan Water
11 District Act (Chapter 200 of the Statutes of 1969), that metropolitan
12 water district may impose any or all of the terms and conditions
13 that may be imposed by a county water authority pursuant to
14 subdivisions (a) through (h) of this section in any resolution fixing
15 the terms and conditions for the concurrent annexation of territory
16 in a military reservation.